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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,350	12/21/2001	Noriaki Nishi	SON-2552/KOI	3695

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Rader Fishman & Grauer  
1233 20th Street NW Suite 501  
Washington, DC 20036

EXAMINER

PATEL, GAUTAM

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 11/13/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/914,350

Applicant(s)

NISHI, NORIAKI

Examiner

Gautam R. Patel

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 4,6-8,10,11,17,19,20 and 22-52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,9,12-16,18 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6,7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-52 are pending for the examination.

***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. § 119(a)-(d), which papers have been placed of record in the file.

***Specification***

3. The disclosure is objected for following reasons.

The title of the invention is neither precise nor descriptive. A new title is required which should include, using twenty words or fewer, claimed features that differentiate the invention from the Prior Art. It is recommended that the title should reflect the gist of or the improvement of the present invention.

Correction is required.

***Election/Restriction***

4. Claims 4, 6-8, 10-11, 13, 17, 19 and 22-52 withdrawn from further consideration by the examiner, 37 C.F.R. § 1.142(b) as being drawn to figs. Other than 5-9 and 16. Election was made with traverse of claims 1-3, 5-6, 9, 12-16, 18 and 21.

Applicant's election with traverse of first embodiment of optical head [figs. 2-5], light receiving/emitting device of fig. 16 and photodetector of fig. 4 in Paper No. 9 is acknowledged. The traversal is on the ground(s) that "the claims 9 and 21 are generic, and read on photodetector species 2-13 as well.".

As to the argument regarding claims 9 and 21 are generic. It should be pointed out that in its present form claims 9 and 21 may be considered generic and are treated as such.

NOTE: Even though claim 6 was elected by the Applicants the limitation in claim 6 is NOT found in elected figures, therefore claim 6 is removed from further consideration and treated as non-elected. Action on claims 1-3, 5, 9, 12-16, 18 and 21 follows

The requirement is still deemed proper and is therefore made **FINAL**.

Applicant is reminded that **upon the cancellation of claims to a non-elected invention, the inventorship must be amended** in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

### ***Claim Rejections - 35 U.S.C. § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-3, 5, 9, 12-16, 18 and 21 are rejected under 35 U.S.C. § 102(a) as being anticipated by Ando et al., US. patent 6,392,977 (hereafter Ando).

As to claim 1, Ando discloses the invention as claimed [see Figs. 1-5, especially 1] including an objective lens, a light source, light separating means, light detecting means and spot shape correction means, comprising:

an objective lens [fig. 1, unit 9] supported for movement [col. 4, line 66 to col. 5, line 14];

a light source [unit 3a or 3b] for radiating a light beam [c. 4, ln 55-65];

light separating means [unit 7] for separating the light beam radiated from said light source and a reflected light beam from an optical recording medium from each other [cl. 5, ln 53-65];

light detecting means [unit 15] for receiving said reflected light beam from said optical recording medium separated by said light separating means [cl. 6, ln 63 to cl. 7, ln 15]; and

spot shape correction means [units 8 and 14] arranged between said objective lens and said light detecting means [cl. 5, ln 53-65];

said spot shape correction means correcting part or all of spots formed by said reflected light beam on said light detecting means so that the spot diameter in a direction of traversing a track on said optical recording medium will be larger than the spot diameter in a direction along said track [col. 6, ln 63 to cl. 7, ln 15 and fig. 1].

NOTE: All units are in fig. 1.

6. As to claim 2, Ando discloses:

said spot shape correction means corrects part or all of said spots formed by said reflected light beam on said light detecting means so that the spot diameter in a direction along the track on the optical recording medium will be approximately minimum [col. 6, lines 43-62].

7. As to claim 3, Ando discloses:

said spot shape correction means includes a cylindrical lens [fig. 1, unit 14] [cl. 6, ln. 63 to cl. 7, ln. 15].

8. As to claim 5, Ando discloses:

said spot shape correction means includes a hologram device [fig. 1, unit 8] [cl. 5, ln. 53-65].

9. As to claim 9, Ando discloses:

said light detecting means for receiving said reflected light beam includes at least one set of light receiving sections, obtained on splitting, and wherein at least one of tracking error signals, address signals and clock signals is obtained by a push-pull method using said light receiving sections [cl. 9, ln. 26-54]..

10. As to claim 12, Ando discloses:

divergence angle converting means [fig. 1, unit 6] for converting an incident numerical aperture to light separating means to a smaller value is provided between said light source and said light separating means.

11. As to claim 13, Ando discloses:

said divergence angle converting means includes a coupling lens [fig. 1, unit 13] [col. 6, ln. 63 to col. 7, ln. 15].

12. As to claim 14, it is rejected for the same reasons set forth in the rejection of claim 1, supra.

13. As to claims 15-16, 18 and 21, they are claims corresponding to claims 2-3, 5 and 9 respectively and they are therefore rejected for the same reasons set forth in the rejection of claims 2-5 and 9 respectively, supra.

***Other prior art cited***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Asoma et al. (US. patent 6,529,454) Integrated optical component ..
2. Takeda et al. (US. patent 5,648,950) Hologram integrated with a beam splitter

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3. Saimi (US. patent 5,315,574) Optical head with polarized beam hologram
4. Horimai (US. patent 6,366,368) Method and apparatus for forming hologram ..
5. Tatsuno et al. (US. patent 4,779,943) **"Optical system for semiconductor laser and optical information processing equipment utilizing the same"**.

***Contact information***

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam R. Patel whose telephone number is (703) 308-7940. The examiner can normally be reached on Monday through Thursday from 7:30 to 6.

The appropriate fax number for the organization (Group 2650) where this application or proceeding is assigned is (703) 872-9314.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To can be reached on (703) 305-4827.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-4700 or the group Customer Service section whose telephone number is (703) 306-0377.



Gautam R. Patel  
Patent Examiner  
Group Art Unit 2655

November 6, 2003